

Applicant: Soloff, Steven
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REMARKS

Claims 1, 2, 4, 6, 8-13, 15, 17, 19-23, 25, 26, 28-30 and 32-35 are now pending in this application. Claims 1, 4, 8-10, 12, 17, 19-21, 23, 25, 28-29 and 32-34 have been amended in order to more clearly recite the present invention. Claims 3, 5, 7, 14, 16, 18, 24, 27 and 31 have been cancelled. Applicant respectfully submits no new matter has been added. Reconsideration is respectfully requested in view of the following remarks.

Examiner maintains that Applicant's priority claim to Application Serial No. 60/268,481 is improper due to failure to provide adequate support or enablement in accordance with 35 U.S.C. § 119(e).

Claims 1-6, 8-17, 19-30 and 32-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,872,558 to Aras et al. ("Aras" hereinafter).

Claims 7, 18 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aras in view of U.S. Patent No. 5,870,134 to Laubach et al. ("Laubach" hereinafter).

Priority

The Office Action states that the present application fails to comply with one or more conditions for receiving the benefit of an earlier filing date. The Examiner asserts that Provisional Application No. 60/268,481, which this present application claims priority, fails to provide adequate support or enablement in accordance with 35 U.S.C. § 112, first paragraph. The Office Action states that the provisional application is silent with respect to the particular usage of a satellite broadcast system as claimed as well as tracking the particular duration a user watches a scene. In view of the Examiner's comments, Applicant withdraws his priority claim to Application Serial No. 60/268,481.

Objections

The Examiner objects to the length of the Abstract. As set forth above, the abstract has

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been amended in accordance with the Examiner's comments and, accordingly, the amended Abstract now obviates this objection. Withdrawal of this objection is therefore respectfully requested.

The Examiner also objected to claim 27 due to the recitation of "FLASHLOG." Applicant has cancelled claim 27 as set forth above. Therefore, this objection is now moot.

102 Rejection

Claims 1-6, 8-17, 19-30 and 32-35 stand rejected under 35 U.S.C. § 102 as being anticipated by Aras. As noted above, independent claims 1, 12, 23 and 25 have been amended to include features that were formerly recited in cancelled claims 7, 18 and 31, respectively. As noted in the Examiner's comments, Aras fails to disclose a upstream communication device which uses wireless data transfer. The amended claims 1, 12, 23 and 25, each now include features related to wireless data transfer. Accordingly, amended claims 1, 12, 23 and 25 now include features that are not disclosed in Aras, therefore this 102 rejection based upon Aras is no longer valid. Applicant respectfully requests withdrawal of this rejection with respect independent claims 1, 12, 23 and 25 and with respect to dependent claims 2, 4, 8-11, 13, 15, 17, 19-22, 26 and 28-35.

103 Rejection

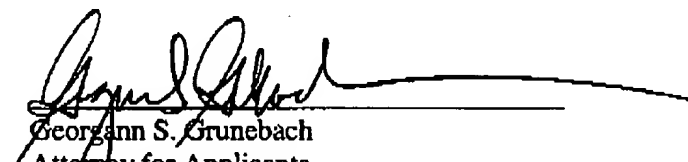
Claims 7, 18 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aras in view Laubach. As set forth above, claims 7, 18 and 31 have been cancelled within this amendment. Accordingly, Applicant respectfully submits that this 103 rejection is now moot. Withdrawal of this rejection is, therefore, respectfully requested.

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CONCLUSION

Based upon the foregoing amendment and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Prompt allowance of all pending claims is therefore requested.

Respectfully submitted,


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Amendments to Abstract:

Please replace the Abstract with the rewritten Abstract as shown on the next page.